

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION**

BLANCHIE J. THORNTON

PLAINTIFF

v.

Civil Action No. 3:01-cv-955WS

MISSISSIPPI DEPARTMENT OF  
CORRECTIONS, ET AL.

DEFENDANTS

**ORDER**

Before the Court are defendants' motions for summary judgment [docket # 48-1], and next for summary judgment as to plaintiff's second amended complaint [docket # 70], filed pursuant to Rule 56, Federal Rules of Civil Procedure.<sup>1</sup> Plaintiff has waived her prior sex discrimination claim and now asserts only a state-law claim for malicious interference with business relations, and a due process claim. This court exercises federal question jurisdiction of this case pursuant to Title 28 U.S.C. §1331.<sup>2</sup> Defendants' earlier motion for summary judgment [48], based on plaintiff's initial complaint, is DENIED as MOOT in favor of consideration of defendants' motion for summary judgment as to plaintiff's second amended complaint [70].

**SO ORDERED, this the 30<sup>th</sup> day of September, 2006.**

**s/ HENRY T. WINGATE**

**CHIEF UNITED STATES DISTRICT JUDGE**

Civil Action No. 3:01-cv-955WS

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<sup>1</sup>Rule 56(c), Federal Rules of Civil Procedure entitles movant to judgment as a matter of law if "the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact."

<sup>2</sup>Title 28 U.S.C. §1331 provides: "The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States."